

**AN ORDINANCE**

Councilmember Derrick Boazman

02-0-0864

An Ordinance to create the Crescent Hills/Hammond Park Village Housing Enterprise Zone; and for other purposes

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Crescent Hills/Hammond Park Village Housing Enterprise Zone;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**

**Section 1:** It is found by the Council of the City of Atlanta that the area in and around 532 Cleveland Avenue is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with Crescent Hills/Hammond Park Village are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

**Section 2:** The Crescent Hills/Hammond Park Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2003. The Crescent Hills/Hammond Park Village Housing Enterprise Zone shall be abolished on December 31, 2013. The Crescent Hills/Hammond Park Village Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Crescent Hills/Hammond Park Village Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

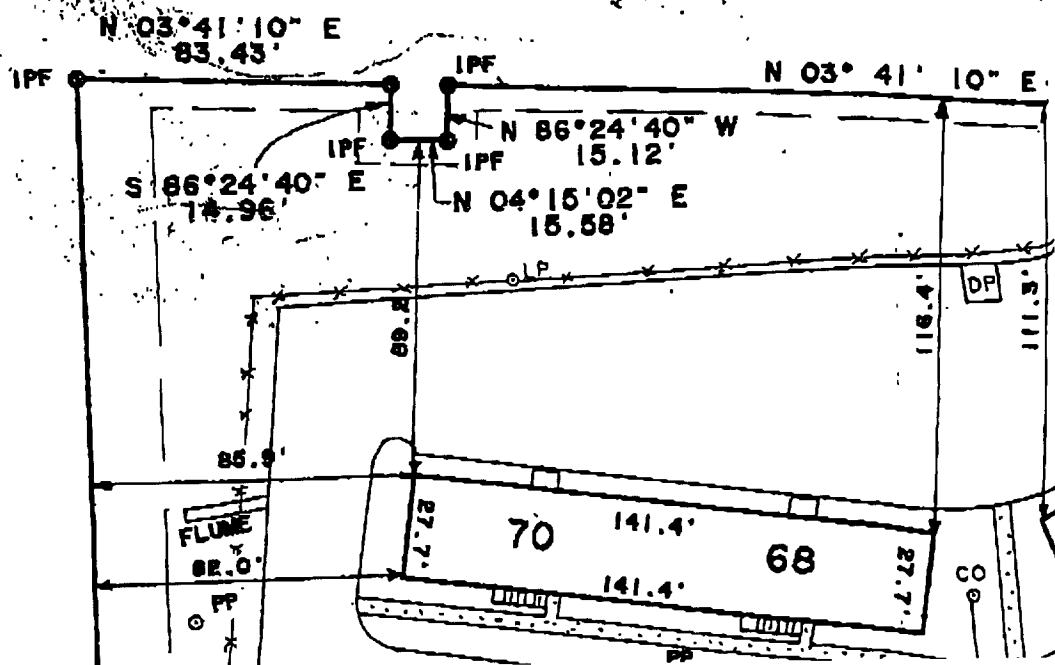
**Section 3:** The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Crescent Hills/Hammond Park Village Housing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

**Section 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in Land Lot 93 of the 14th Land District, City of Atlanta, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the point where the mitred eastern Right-of-Way of Stewart Avenue intersects the southern Right-of-Way of Cleveland Avenue, a 64' Right-of-Way at this point; thence running S 89° 35' 42" E along the southern Right-of-Way of Cleveland Avenue for 125.00' to a point; thence continuing along said Right-of-Way S 00° 24' 18" W for 3.00' to a point; thence continuing along said Right-of-Way S 89° 35' 42" E for 136.83' to a point and the POINT OF BEGINNING; thence continuing along said Right-of-Way S 89° 35' 42" E for 115.87' to a point; thence continuing along said Right-of-Way following the curvature to the left an arc distance of 96.96' to a point, said arc subtending a chord bearing N 89° 27' 02" E for 96.95' and having a radius of 2,909.79'; thence continuing along said Right-of-Way N 88° 29' 45" E for 46.99' to an iron pin set; thence departing said Right-of-Way and running S 00° 14' 47" W for 85.13' to an iron pin set; thence running S 00° 11' 13" E for 100.66' to an iron pin found; thence running S 05° 58' 12" E for 138.46' to an iron pin found; thence running S 33° 17' 39" E for 109.74' to an iron pin found; thence running S 06° 48' 56" E for 351.84' to an iron pin set; thence running S 09° 02' 56" E for 83.98' to an iron pin found; thence running S 21° 13' 13" E for 294.10' to an iron pin set; thence running S 78° 35' 08" E for 29.80' to an iron pin found; thence running S 11° 47' 51" E for 52.70' to a point; thence running S 22° 19' 09" W for 190.00' to a point; thence running S 02° 25' 28" E 102.98' to an iron pin

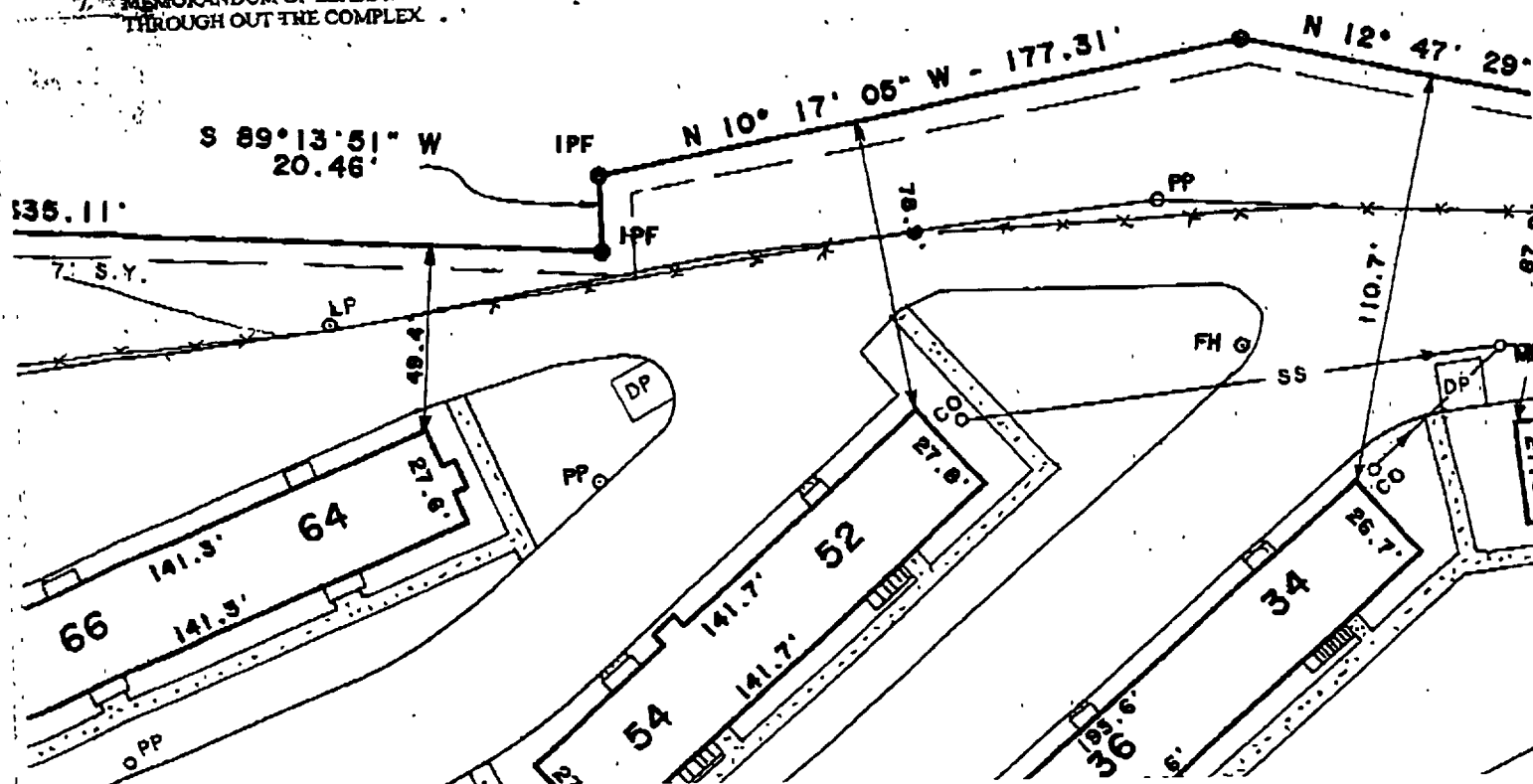


Found on the western Right-of-Way of Dearwood Drive, a 50' Right-of-Way at this point; thence departing said Right-of-Way and running N 89° 25' 15" W for 674.19' to an iron pin found; thence running N 03° 41' 10" E for 83.43' to a point; thence running S 86° 24' 40" E for 84.96' to an iron pin found; thence running N 04° 15' 02" E for 15.58' to an iron pin found; thence running N 86° 24' 40" W for 15.12' to an iron pin found; thence running N 03° 41' 10" E for 335.11' to an iron pin found; thence running S 89° 13' 51" W for 20.46' to an iron pin found; thence running N 10° 17' 05" W for 177.31' to a point; thence running N 12° 47' 29" E for 165.34' to an iron pin found; thence running N 11° 18' 30" E for 130.29' to a point; thence running N 09° 35' 25" E for 379.46' to an iron pin set; thence running S 87° 59' 48" E for 89.00' to a nail and cap in the asphalt; thence running N 05° 01' 47" E for 182.93' to a point located on the southern Right-of-Way of Cleveland Avenue and the POINT OF BEGINNING.

Said tract containing 785,016 square feet or 18.0215 acres

#### GENERAL NOTES

1. STORM SEWER EASEMENTS IN DEED BOOKS 5017, PAGE 592; 4996, PAGE 523, LIE TO THE SOUTH OF THE PROPERTY. DO NOT APPLY.
2. GEORGIA POWER EASEMENTS IN DEED BOOK 4314, PAGE 355; 5126, PAGE 164; AND 4662, PAGE 265; CAN NOT BE PLOTTED FROM THE DOCUMENTS CITED. PROBABLY ARE TO SUPPLY ELECTRIC SERVICE TO THE SITE.
3. INGRESS-EGRESS EASEMENTS IN DEED BOOKS 4660, PAGE 594; AND 4707, PAGE 253; DIVIDED THE EXISTING SITE INTO THREE SEPARATE TRACTS WITH TRACT ONE BEING THE ONLY TRACT WITH ROAD FRONTAGE. EASEMENT IS NOT DESCRIBED AND CAN NOT BE PLOTTED FROM THE DOCUMENT CITED. MAY NOT APPLY.
4. RESTRICTIVE COVENANTS IN DEED BOOK 2171, PAGE 557, PROHIBIT THE USE OF THE SITE AS A CEMETERY.
5. JOINT USE... AGREEMENT IN DEED BOOK 10808, PAGE 306, PERTAINS TO THE TWO SWIMMING POOLS FORMERLY LOCATED ON THE SITE. THESE HAVE BEEN DEMOLISH. MAY NO LONGER APPLY.
6. MEMORANDUM OF LEASE IN DEED BOOK 17420, PAGE 346, IS FOR ALARM SERVICES IN THE COMPLEX, IT CAN NOT BE PLOTTED FROM THE DOCUMENT CITED.
7. MEMORANDUM OF LEASE IN DEED BOOK 20963, PAGE 206, IS TO SUPPLY LAUNDRY EQUIPMENT TO VARIOUS LOCATION THROUGH OUT THE COMPLEX.



## SURVEYOR'S CERTIFICATE

The undersigned, being a Registered Land Surveyor of the State of Georgia, certifies to:

- (i) **DAIWA REAL ESTATE FINANCE CORP.** Lender, its successors and assigns, and
- (ii) **FIRST AMERICAN TITLE INSURANCE COMPANY** as follows:

This survey is made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by The American Land Title Association and American Congress on Surveying and Mapping in 1992, and meets the requirements of an Urban Survey, as defined in the current accuracy standards jointly adopted by ALTA/ACSM and includes items 2, 3, 4, 6, 8, 9, 20, 11, and 13 of Table A thereof.

The survey was made on the ground between November 15, 1997 and December 4, 1997, and correctly shows the area of the subject property, the location and type of buildings, structure and other improvements situated on the property, and any other matter situated on the subject property.

Except as shown on the survey, there are no visible easements or rights of way.

Except as shown on the survey, there are no observable, above ground encroachments (a) by the improvements on the subject property upon adjoining properties, streets or alleys, or (b) by the improvements on adjoining properties, streets or alleys upon the subject property.

The location of each easement, right of way, servitude, and other matters affecting the subject property and listed in title insurance commitment number 79803-275 dated 01/27/98, 1997, issued by First American Title Insurance Company with respect to the subject property has been shown on the survey together with appropriate recording references, to the extent such matters can be located. The property shown on the survey is the property described in that title commitment. The location of all improvements on the subject property is in accord with the minimum setback provisions and restrictions of record reference in such title commitment.

That the subject property has access to an from a duly dedicated and accepted public street or highway.

Except as shown on the survey, the subject property does not serve any adjoining property for drainage, utilities, or ingress or egress.

The record description of the subject property forms a mathematically closed figure.

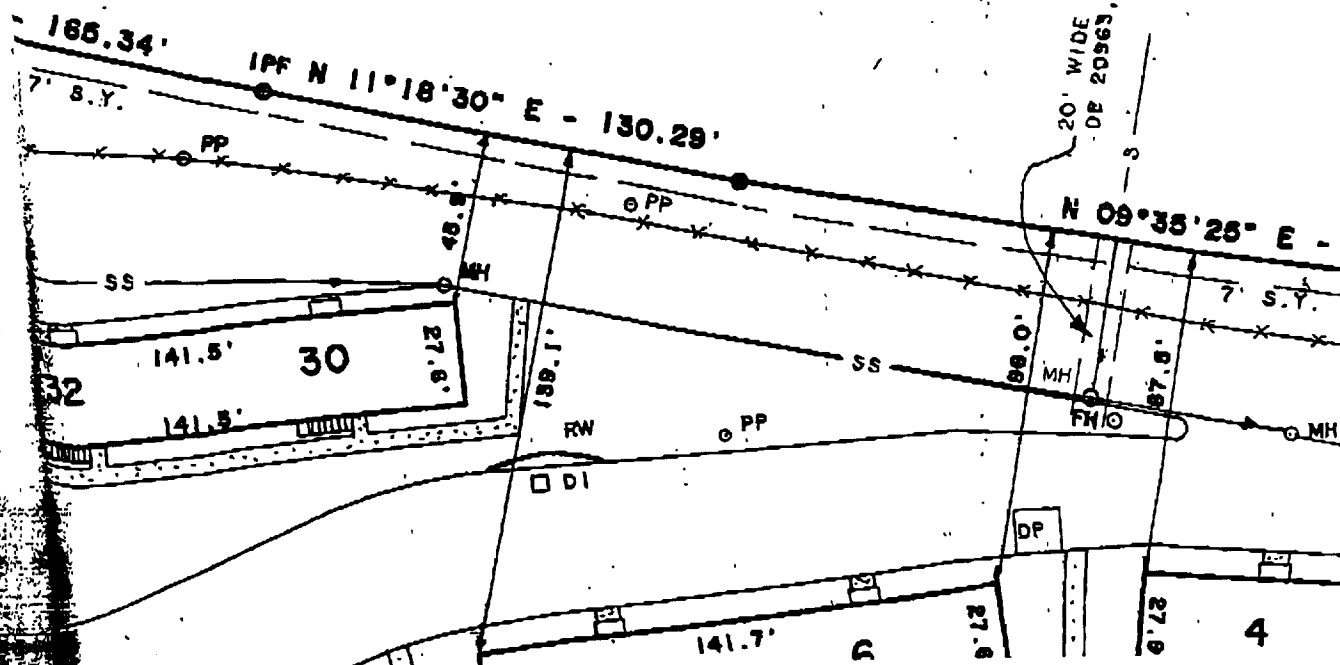
Said described property is located within an area having a Zone Designation of C, by the Federal Emergency Management Agency on Flood Insurance Rate Maps No. 135157-0041 C and 135157-0043 C, with a date of identification of March 4, 1987, for Community No. 135157, in Fulton County, State of Georgia, which is the current Flood Insurance Rate Map for the community in which the subject property is located.

The parties listed above are entitled to rely on the survey and this certificate as being true and correct.

*Michael F. Lawler*

Michael F. Lawler, R.L.S. No. 1000

Dated December 4, 1997, and April 24, 1998.



02-0-0864

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- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 05/06/02

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee	Committee
Date	Date
Chair	Chair
Action:	Action:
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action:	Action:
Fav, Adv, Hold (see rev. side)	Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION